



Margaret.Stevens@USPTO.GOV

08/21/2002 08:30 AM

COPY

APPLN. #2.
8/21/02

To: supadhye@sonnenschein.com
cc: Paula.Hutzell@USPTO.GOV, Helen.Childs@USPTO.GOV
Subject: RE: Lost File 09/198,798

CONFIDENTIAL

I am acknowledging receipt of your e-mail.

The application was flagged lost on August 20th. If the file is not found within one month from August 20th, the Office will take action to reconstruct the file.

Thank you for sharing such detail information on the above identified application. I will kept you updated on the progress of your inquiry.

-----Original Message-----

From: supadhye@sonnenschein.com [mailto:supadhye@sonnenschein.com]
Sent: Tuesday, August 20, 2002 4:53 PM
To: margaret.stevens@uspto.gov
Subject: Lost File 09/198,798
Importance: High

I am referred to you by Ms. Pettus who indicated that the Office has officially flagged this file as Lost. The serial no. is 09/198,798 (inventor: Dr. Edward Lichten). I am also referred to you by Examiners Dees, Dickinson, and Richter, who have indicated that either you or Ms. Pettus can help.

She recommended that I give you timelines or other identification to help.

1. The Office mailed a Final Office Action dated 21 Feb. 2001 to the wrong address. It was mailed to the Michigan firm. The 6 month date was 21 August 2001 to respond. No response was ever filed because the Action was sent to the wrong address.

2. On 06 Sept. 2001, I received a phone call from Examiner Badio (the examiner in charge of case), who inquired about whether any abandonment was intentional. I explained what had happened that no Action was ever received.

3. I filed a Petition to Revive on 14 Sept. 2001 and included yet another Change of Address Notification.

4. The Office acted on the Petition (obviously meaning that the Office received the Petition and the Change of Address). Ms. Cecilia Tsang, on behalf of Director Doll, acted on the Petition and GRANTED it in Petition Decision dated 14 Jan. 2002.

5. The Petition Decision, although Granted, was still sent to another wrong address. Ms. Tsang sent the Decision and the revived Final Office Action, to Ms. Emily Haliday, c/o the Law Office of Johnathon Quine in Alameda, California.

6. I have no idea who Mr. Quine or Ms. Haliday are.

7. Notwithstanding the second mistake in mailing addresses, Ms. Haliday sent the Action and Decision to the Michigan firm. The Michigan firm sent the documents to me.

8. The re-set Final Office Action date was reset to the Petition Decision date of 14 Jan. 2002, which meant that a Response was due by 14 April 2002.

9. On 12 April 2002, I responded to the Final Office Action by filing a

Amendment After Final. Included with that submission was yet another Revocation of the Power of Attorney, a new Power of Attorney, and an address change. I received a Post Card acknowledgement dated 22 Feb. 2002, stamped from the PTO's OIPE JC-44 office.

10. I am informed by Ms. Pettus and others in Group 1600 that the last entry in the PTO Docket system is the Final Office Action date of 21 Feb. 2001.

11. I am informed by Ms. Pettus and others in Group 1600 that the Office has no record of:

- a. any Notice of Abandonment being sent, if any was sent
- b. my Petition to Revive dated 14 Sept. 2001
- c. the Office's own Petition Decision adjudicated by Ms. Tsang of Group 1600
- d. no record of my Amendment After Final filed on 12 April 2002

12. Therefore, according to the Office, the last "thing" done in this file was to issue the 21 Feb. 2001 Final Office Action. The office allegedly having not received any responses or petitions, a position that is clearly wrong, marked the file as Abandoned.

13. I have contacted the Office on numerous occasions inquiring about the status of the file, why it was abandoned, why there is no record of my or the Office's own correspondence, and where the file is.

14. I am now reliably informed by many people that the file is LOST.

15. I can reconstruct the file if necessary and am willing to do so on an expedited basis.

Please investigate if you wish the file reconstructed and whether yet another Petition to Revive is necessary.

I appreciate receiving a return email so that I know you received this.

Many thanks,

Shashank Upadhye
Reg. No. 48,209

Shashank Upadhye
Patent Attorney
Sonnenschein, Nath, and Rosenthal
8000 Sears Tower
Chicago, IL, USA 60606
312-876-2622
312-876-7934 (fax)
email: supadhye@sonnenschein.com

CONFIDENTIALITY NOTE:

This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify us immediately by returning it to the sender and delete this copy from your system. Thank you for your cooperation.